



United States Department of Justice

WASHINGTON, D.C. 20530

DEPUTY ASSISTANT ATTORNEY GENERAL
ANTITRUST DIVISION

MAR 22 1979

Howard K. Shapar, Esquire
Executive Legal Director
Nuclear Regulatory Commission
Washington, D. C. 20555

Re: Surry Power Station, Units 1 & 2
Virginia Electric & Power Company
NRC Docket Nos. 50-280A & 50-281A,
and North Anna Power Station
Virginia Electric & Power Company
Units 1, 2, 3, & 4
NRC Docket Nos. 50-338A, 50-339A
50-404A & 50-405A

Dear Mr. Shapar:

You have requested our advice pursuant to Section 105(c) of the Atomic Energy Act of 1954, as amended, in connection with the purchase by North Carolina Electric Membership Corporation and Old Dominion Electric Cooperative of an ownership interest in the above captioned nuclear units.

North Carolina Electric's proposed interest would be less than 20 MW per unit, and Old Dominion's proposed interest would be between 20 MW and 80 MW per unit. The participation of these two entities in the nuclear units is the culmination of discussions beginning in 1972. Our earlier recommendation that it was not necessary for the Commission to conduct a hearing on the application by Virginia Electric and Power Company to construct certain units at the two plants was based, in part, on these discussions. 1/

1/ This recommendation was contained in a letter of August 1, 1972, with regard to units 3 and 4 at the North Anna Power Station and in a letter of November 14, 1973, with regard to units 3 and 4 at the Surry Power Station.

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Our review of the information submitted in connection with the present application, as well as other relevant information, has disclosed no evidence that the proposed participation by Old Dominion and North Carolina Electric in the North Anna and Surry Units would either create or maintain a situation inconsistent with the antitrust laws under section 105(c). We do not, therefore, believe it is necessary for the Commission to hold an antitrust hearing on this matter.

Sincerely yours,

Donald L. Flexner

Donald L. Flexner
Deputy Assistant Attorney General
Antitrust Division